

MEMORANDUM

Date: February 11, 2009
To: Chesapeake Bay Board
From: Michael Woolson
Subject: McFarlin Park BLE, CBE-07-112, Extension Request

Mr. Gregory R. Davis of Kaufmann & Canoles has requested an extension for the McFarlin Park Boundary Line Extinguishment for a Minor Subdivision project. Staff supports this extension request. As there was no Chesapeake Bay Board meeting in January, a temporary extension was granted by the administrator to ensure the expiration date did not lapse. Please see the attached letter request and temporary extension. The new expiration date shall be February 11, 2010.

KAUFMAN & CANOLES

— | A Professional Corporation | —

Attorneys and Counselors at Law

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December 31, 2008

Scott J. Thomas, P.E.
James City County
Director – Environmental Division
101-F Mounts Bay Road
Williamsburg, VA 23185

Via Telecopier (757) 259-4032

RE: MY CLIENT: LYMAN R. HALL, JR., OWNER
CBE-07-112
McFARLIN PARK BLE/MINOR SUBDIVISION

Dear Scott:

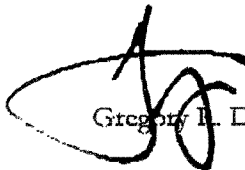
I represent Lyman Hall, the owner of James City County Real Estate Tax Parcels Nos. 4740100011 and 4740100013 located at 205 Neck O'Land Road. Mr. Hall is working with Henry Stephens at Associated Developers, Inc. on approval of the McFarlin Park development and associated boundary line adjustments. Part of the process involved an exception from the Chesapeake Bay Board in the above-referenced case. The Chesapeake Bay Board resolution provides for expiration of its exception if construction is not begun by January 9, 2009.

After the exception was granted, work between Associated Developers, Inc. and the County to achieve final plan approval proved more time consuming than originally anticipated. Now the owner and developer are poised to begin construction, but obtaining land-disturbing permits, posting bonds and other steps required by County ordinance in order to begin work cannot be accomplished prior to January 9, 2009.

Accordingly, I write to request an extension of the January 9, 2009 date for sunset of exception for a period of not less than 90 days.

Thank you for your kind consideration of this matter; you may feel free to discuss the case with Henry Stephens or myself.

Very truly yours,



Gregory R. Davis

GRD:fmy

cc: Mr. Lyman Hall
Mr. Henry Stephens

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January 2, 2009

Mr. Gregory R. Davis
Kaufmann & Canoles
P.O. Box 6000
Williamsburg, VA 23188

Re: Request for Extension to CBE-07-112
Lyman R. Hall, Jr./Associated Developers
McFarlin Park BLE & Minor Subdivision
205 Neck O' Land Road; S-60-07

Dear Mr. Davis:

The Environmental Division has received your request dated December 31, 2008 to extend the above related Chesapeake Bay Exception (CBE) which expires on January 9, 2009. The normal process for cases approved by the Chesapeake Bay Board is that time extension requests also need to go to the Board, under "Board Considerations", unless it is determined that special circumstances exist.

As there are no agenda items for the January 14, 2009 Chesapeake Bay Board meeting and we are only holding a educational work session, we will not be able to schedule this particular CBE extension request until the February 11, 2009 Chesapeake Bay Board meeting. In lieu of this, the Director will administratively grant a temporary extension of the CBE for a period of forty-five days (45 days) to ensure that there is no lapse in expiration of the previously approved CBE between January 9th and February 11th.

Thank you for informing us of this expiration date and for providing us information to indicate your intentions for this project and reasons for delay. Other than this notification, no further action is required on your part and no additional fees are required. Staff will present the extension request to the Board at the February 11th meeting.

Thank you for your efforts to protect the Chesapeake Bay and its tributaries from the effects of non-point source pollution associated with land use activities. Please contact me at 253-6639 or Mike Woolson, Watershed Planner at 253-6823 if you have any additional questions or comments.

Sincerely,

Scott J. Thomas, P.E.
Director
Environmental Division

SJT/sjt

cc: Mike Woolson

CBE07112/McFarlinPark/Temporary_Extension